

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN (DUBUQUE) DIVISION

UNITED STATES OF AMERICA,)	
)	Case No.: 19-CR-1050
Plaintiff,)	
)	
vs.)	
)	DEFENDANT’S SENTENCING
GINA CHRISTA URBAIN,)	MEMORANDUM
)	
Defendant.)	

Gina Christa Urbain, through counsel, hereby submits the following sentencing memorandum.

I. Witnesses

Defendant does not anticipate calling any witnesses at the sentencing hearing.

II. Exhibits

Defendant does not anticipate submitting any exhibits at the sentencing hearing.

III. Issues

The Final Presentence Investigative Report (PSR) identified two issues that require the Court’s resolution: 1) Ability to pay a fine; and 2) imposition of the \$5,000 special assessment.

A. Fine

Prior to her incarceration, the Defendant received Social Security Disability Income (SSDI). PSR ¶ 111. The Defendant received SSDI due to her mental health issues. Id. Her only reported work experience in the past ten years was as a “stuffer” (she stuffed envelopes) for her sister’s office. PSR ¶ 112. Before her job as a stuffer, she was employed as a cook at a gas station, at McDonald’s, and as a lifeguard. PSR ¶ 113. Her total reported earnings over the last

ten years are \$2,682.23. PSR ¶ 114. She has no assets. PSR ¶ 116. For all of these reasons, the Defendant respectfully submits that she has met her burden to establish inability to pay a fine.

B. Assessment

The law requires that “the court shall assess an amount of \$5,000 on any non-indigent person....” 18 U.S.C. § 3014(a). As explained above, the record establishes the Defendant’s indigency. Further, in light of her sex offender status, it will be difficult for her to shed her indigent status when she is released from the Bureau of Prisons.

IV. Conclusion

For the above reasons, the Defendant respectfully requests that the Court decline to impose either a fine or the JVT A assessment.

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CERTIFICATE OF SERVICE
I hereby certify that on February 8, 2021, I electronically filed this document with the Clerk of Court using the ECF system which will serve it on the appropriate parties.

By: /s/ Melissa Dullea